

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2004-003008

11/09/2011

HONORABLE GLENN M. DAVIS

CLERK OF THE COURT

L. Bush

Deputy

IN RE THE MATTER OF
MEGAN SIGL

TIMOTHY A FORSHEY

AND

JONATHAN SIGL

ROBERT B VAN WYCK

MINUTE ENTRY

Courtroom CCB 604

Prior to commencement of this proceeding, Respondent's Exhibits 1 through 3 and Petitioner's Exhibits 4 and 5 are marked for identification. Megan Sigl, Jonathan Sigl, Dawn Peabody, Richard Kuchoryson, Jennifer Peters, Cindy Rosenwald and Erin Sigl are sworn.

1:43 p.m. This is the time set for Evidentiary Hearing regarding child custody and parenting time. Petitioner/Mother, Megan Sigl, is present with above-named counsel. Respondent/Father, Jonathan Sigl, is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court allows Counsel to approach the bench and read his copy of the Child Interview Summary, dated November 8, 2011.

A brief discussion is held with the Court regarding the Child Interview Summary.

Respondent's Counsel states there is a current criminal case pending involving Mother and cautions that statements made in Court today could be used as evidence in the future.

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Discussion is held with the Court regarding the status of the case and the need for immediate counseling for the minor child.

Based on the matter discussed,

IT IS ORDERED Father shall have sole custody and be the primary residential parent of the minor child, Tevin Sigl (DOB: 08/27/1998).

IT IS FURTHER ORDERED Mother shall have telephone contact with the minor child.

IT IS FURTHER ORDERED Father shall seek a medical professional regarding counseling, through resources available through his employer, as soon as possible for the minor child.

IT IS FURTHER ORDERED the parties shall follow the recommendations of medical provider/counselor.

IT IS FURTHER ORDERED Mother shall participate in a parenting class as soon as possible.

EVIDENTIARY HEARING SET

IT IS ORDERED setting an evidentiary hearing regarding child custody and parenting time on **January 19, 2012 at 3:00 p.m. (1 hour allowed)** in this division before:

**The Honorable Glenn M. Davis
Maricopa County Superior Court
Central Court Building
201 W. Jefferson
6th Floor, Courtroom 604
Phoenix, AZ 85003**

Failure of a party to appear may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED:

1. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and

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redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

2. **Pretrial Statements.** The parties shall file and provide this division with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.
- c. If there are disputed custody or parenting time issues, a specific proposal for custody and parenting time.
- d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.
- e. A list of witnesses to be called at the hearing. Absent good cause shown, failure to list a witness will result in that witness being excluded.
- f. A list of exhibits to be used at the hearing. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.
- g. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

3. **Trial Exhibits.** Exhibits for use at trial shall be delivered to the Clerk of this Division at least **five (5) days** before trial for marking. **If exhibits are not delivered to the Clerk five days in advance, you may be required to use trial time for the marking of exhibits.** In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five days before trial.

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The parties should also provide a copy of exhibits to the judge on the day of the trial. This allows the judge to see the exhibits at the same time they are being presented to witnesses.

4. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

6. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.

7. **Discovery And Other Pre-Trial Disputes.** If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they may contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

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You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

8. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

There being no need to retain the Exhibits marked for identification but not offered into evidence.

IT IS ORDERED permanently releasing Exhibits 3 and 4 to the immediate possession of Petitioner's counsel and Exhibits 1, 2 and 3 to the immediate possession of Respondent's counsel.

ISSUED: Exhibit Release Form (2)

2:25 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HON. GLENN DAVIS

JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.